

1 Anthony Miranda
2 327 Kennedy Lane
3 Oceanside Ca 92054

4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. N.Y.
★ JUL 20 2020 ★
LONG ISLAND OFFICE

6 UNITED STATES

7 vs.

8 PHILLIP A. KENNER, ET AL.
9

CRIMINAL DOCKET NO. 13-607
(JFB) (EDNY)

ANCILLARY PETITION FOR CLAIM OF
LEGAL RIGHT, TITLE OR INTEREST IN
FORFEITED PROPERTY

[21 USC § 853(n)]

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16

17 I Anthony Miranda, declare under penalty of perjury that the
18 facts set forth herein are true of my own personal knowledge, and
19 if called upon to testify thereto, I could and would competently do
20 so under oath.

21 1. The identity of the property in which the petition claims
22 a legal right, title or interest: I own a 1.5% partnership share
23 in Diamante Properties LLC, 457 Main Street, Suite 1A, Danbury, CT
24 06811. Partnership No. 32-0127491. I have owned these shares
25 since 2008. I received these shares for being employed by Diamante
26 since 2003 and was given this for my early involvement in the
27 project. The shares interest was acquired when I was reasonably
28

1 without cause to believe that the property was subject to
2 forfeiture. As proof of ownership, I receive an annual K-1 for
3 this asset, as evidenced by a true and correct copy attached hereto
4 as Exhibit "A".


5 2. The nature and extent of the such legal right, title or
6 interest: I own a 1.5% partnership share in Diamante Properties
7 LLC, 457 Main Street, Suite 1A, Danbury, CT 06811. Partnership No.
8 32-0127491. I have owned these shares since 2008. I received
9 these shares for being employed by Diamante since 2003 and was
10 given this for my early involvement in the project. The shares
11 interest was acquired when I was reasonably without cause to
12 believe that the property was subject to forfeiture. As proof of
13 ownership, I receive an annual K-1 for this asset, as evidenced by
14 a true and correct copy attached hereto as Exhibit "A".

15 3. The time and circumstances of the petitioner's
16 acquisition of the right, title or interest: I own a 1.5%
17 partnership share in Diamante Properties LLC, 457 Main Street,
18 Suite 1A, Danbury, CT 06811. Partnership No. 32-0127491. I have
19 owned these shares since 2008. I received these shares for being
20 employed by Diamante since 2002 and was given this for my early
21 involvement in the project. The shares interest was acquired when
22 I was reasonably without cause to believe that the property was
23 subject to forfeiture. As proof of ownership, I receive an annual
24 K-1 for this asset, as evidenced by a true and correct copy
25 attached hereto as Exhibit "A".

26 4. Any additional facts or documents supporting petitioner's
27 claim in the relief sought: As proof of ownership, I receive an
28

1 annual K-1 for this asset, as evidenced by a true and correct copy
2 attached hereto as Exhibit "A". I reasonably believe I am entitled
3 to fair value consideration for my shares.

4 I declare under penalty of perjury under the laws of the State
5 of California that the foregoing is true and correct, and that this
6 declaration is executed on June 14, 2020, at Oceanside, California.

7
8 
Anthony Miranda

9 To be filed:

7-16-20

10 United States District Court
11 Eastern District of New York
12 Long Island Courthouse
13 Clerk of Court
100 Federal Plaza
Central Islip, NY 11722

14 Copies to:

15 Assistant United States Attorney
16 Diane Leonardo
17 United States Attorney's Office
18 Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722

19 FSA Asset Forfeiture Paralegal
20 Kristin Lake
21 United States Attorney's Office
22 Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722

651113

Schedule K-1
(Form 1085)

2015

☐ Final K-1☐ Amended K-1

OMB No. 1545-0123

Department of the Treasury
Internal Revenue Service

For calendar year 2015, or tax

year beginning

ending

Partner's Share of Income, Deductions,
Credits, etc.

▶ See separate instructions.

Part I Information About the Partnership

A Partnership's employer identification number
32-0127491

B Partnership's name, address, city, state, and ZIP code

**DIAMANTE PROPERTIES, LLC
131 DEER HILL AVENUE, SUITE B
DANBURY, CT 06810**C IRS Center where partnership filed return
E-FILED ☐ Check if this is a publicly traded partnership (PTP)

Part II Information About the Partner

E Partner's identifying number
0176

F Partner's name, address, city, state, and ZIP code

**ANTHONY MIRANDA
327 KENNEDY LANE
OCEANSIDE, CA 92054**G ☐ General partner or LLC member-manager ☒ Limited partner or other LLC memberH ☒ Domestic partner ☐ Foreign partnerI What type of entity is this partner? **INDIVIDUAL**J If this partner is a retirement plan (IRA/SEP/Keogh/etc.), check here ☐

J Partner's share of profit, loss, and capital:

	Beginning	Ending
Profit	1.5000000%	1.5000000%
Loss	1.5000000%	1.5000000%
Capital	1.5000000%	1.5000000%

K Partner's share of liabilities at year end:

Nonrecourse	\$	338,607.
Qualified nonrecourse financing	\$	341,958.
Recourse	\$	0.

L Partner's capital account analysis:

Beginning capital account	\$	-209,557.
Capital contributed during the year	\$	
Current year increase (decrease)	\$	43,217.
Withdrawals & distributions	\$	
Ending capital account	\$	-166,340.

☐ Tax basis ☒ GAAP ☐ Section 704(b) book
☐ Other (explain)

M Did the partner contribute property with a built-in gain or loss?

☐ Yes ☒ No

If "Yes," attach statement (see instructions)

Part III Partner's Share of Current Year Income,
Deductions, Credits, and Other Items

1 Ordinary business income (loss)	58,992.	15 Credits	
2 Net rental real estate income (loss)		16 Foreign transactions	
3 Other net rental income (loss)		A MEXICO	
4 Guaranteed payments		B 198,072.	
5 Interest income		E 192,339.	
6a Ordinary dividends		J 127,615.	
6b Qualified dividends			
7 Royalties		17 Alternative min tax (AMT) items	
8 Net short-term capital gain (loss)		18 Tax-exempt income and nondeductible expenses	
9a Net long-term capital gain (loss)		19 Distributions	
9b Collectibles (28%) gain (loss)		20 Other information	
9c Unrecaptured sec 1250 gain			
10 Net section 1231 gain (loss)	5,732.		
11 Other income (loss)			
12 Section 179 deduction			
13 Other deductions			
14 Self-employment earnings (loss)	0.		

*See attached statement for additional information.

For IRS Use Only

Schedule of Activities

For calendar year 2015, or tax year beginning _____, 2015, and ending _____.

Name: **DIAMANTE PROPERTIES, LLC**
For: **ANTHONY MIRANDA**ID Number: **32-0127491**
558-71-0176

Description of Activity	Activity Number	100% Disposed	Publicly Traded Partnership	Type Code	Description
	1				DIAMANTE CABO SAN LUCAS, LLC
Ordinary business income (loss)					Activity - 1 58,992.
Net rental real estate income (loss)					
Other net rental income (loss)					
Interest income					
Dividends - Ordinary dividends					
- Qualified dividends					
Royalties					
Net short-term capital gain (loss)					
Net long-term capital gain (loss)					
- Collectibles (28%) gain (loss)					
- Unrecaptured Section 1250 gain					
Net section 1231 gain (loss)					5,732.
Other portfolio income					
Section 1256 contracts and straddles					
Other income					
Section 179 deduction					
Charitable contributions					
Portfolio deductions					
Investment interest expense					
Section 59(e)(2) expenditures					
Other deductions					
Net earnings from self-employment					
Gross farming or fishing income					
Gross nonfarm income					
LBI credit - Section 42(j)(5) partnerships					
- Other					
Qualified rehabilitation expenditures related to rental real estate					
Other rental credits					
Credits related to other rental activities					
Recapture of LBI credit - Section 42(j)(5) partnerships					
- Other					
Other credits					
Post-1986 depreciation adjustment					
Adjusted gain or loss					
Portion of adjusted gain/loss allocable to short-term gain/loss					
Portion of adjusted gain/loss allocable to long-term gain/loss					
Portion of adjusted gain/loss allocable to section 1231 gain/loss					
Depletion (other than oil and gas)					
Oil, gas and geothermal properties - gross income					
Oil, gas and geothermal properties - deductions					
Other AMT items					
Investment income					
Investment expenses					

- * 1 - Single Family Residence 5 - Land
 2 - Multi-Family Residence 6 - Royalties
 3 - Vacation or Short-Term Rental 7 - Self-Rental
 4 - Commercial 8 - Other

525001 04-01-15

Foreign Taxes

Name of partnership/corporation		Employer identification number
DIAMANTE PROPERTIES, LLC		32-0127491
a Name of foreign country or U.S. possession		MEXICO
b Total gross income sourced at shareholder/partner level		
c Total gross income sourced at corporate/partnership level:		
(1) Passive category		
(2) General category		192,339.
(3) Section 901(f) income		
(4) Income re-sourced by treaty		
(5) Other income		
d Deductions allocated and apportioned at shareholder/partner level:		
(1) Interest expense		
(2) Other		
e Deductions allocated and apportioned at corporate/partnership level:		
(1) Passive category		
(2) General category		127,615.
(3) Section 901(f) income		
(4) Income re-sourced by treaty		
(5) Other income		
f Total foreign taxes - <input type="checkbox"/> Paid <input type="checkbox"/> Accrued		
g Reduction in taxes available for credit		

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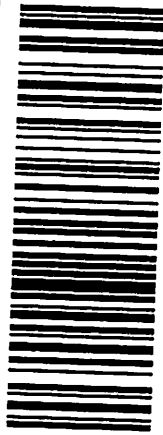
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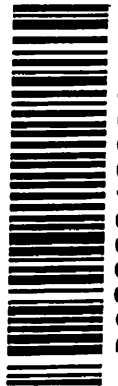
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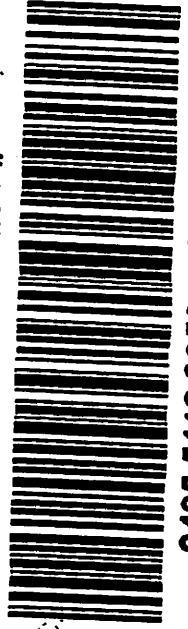
ANTHONY MIRANDA
ANTHONY MIRANDA
327 Kennedy Ln
Oceanside CA 92054-4418

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TO:

United States District Court
Eastern District of New York
Long Island Courthouse
Clerk of Court
100 Federal Plaza
Central Islip NY 11722-4438

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